UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/002,906	01/05/1998	THEODORE D. WUGOFSKI	450.196US1	8339

32719 7590 04/20/2007 GATEWAY, INC. ATTN: SCOTT CHARLES RICHARDSON 610 GATEWAY DR., Y-04 N. SIOUX CITY, SD 57049	**EXAMINER** TRAN, HAI V

ART UNIT	PAPER NUMBER
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/002,906	WUGOFSKI ET AL.
	Examiner	Art Unit	
	Hai Tran	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _18 January 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-40_ is/are pending in the application.

    4a) Of the above claim(s) _13-18 and 30-33_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-12,19-29 and 34-40_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

01/18/2007 has been entered.

Response to Arguments

Applicant's arguments, see page 12, filed 01/18/2007, with respect to the

rejection(s) of claim(s) 1-12, 19-29 and 34-38 have been fully considered and are

persuasive. Therefore, the rejection has been withdrawn. However, upon further

consideration, a new ground(s) of rejection is made in view of Clarke, Jr. et al. (US

6021419).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-12, 19, 22-25, 28-29, and 34-40 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Ohkura et al. (US 5737029) in view of Clarke, Jr. et al. (US

6021419) and further in view of Kostreski et al. (US 5734589).

Claim 1, Ohkura discloses a computerized system for managing favorite

channels based on a user specified theme, the computerized system comprising:

One or more favorite channel lists (Fig. 12), the favorite channel lists

comprising one or more channels relating to the user specified theme (category),

wherein the computerized system identifies the channels/programs showing an

event of the user specified theme (category) and automatically adds each of

channels/programs to the favorite channel list without user intervention (Col. 8, lines

49-Col. 9, lines 37);

Storing one or more favorite channel lists (Col. 8, lines 4-26 and lines 57-62);

A favorites database for storing one or more favorite channel lists (Col. 8,

lines 4-26 and lines 57-62).

Ohkura further discloses means for identifying (CPU 29) channels which

relate to the user specified theme, so to create a favorite program guide list as

shown in Fig. 12 (Col. 7, lines 63-Col. 8, lines 21)

Ohkura does not disclose, "means for selecting predefined keywords for the

user specified theme, means for identifying the one or more logical channels which

relate to the user specified theme by detecting a match of the predefined keywords

of the user specified them, the identifying being based on programming constrained within a predetermined number of timeslots ahead of current time"

Clarke discloses means for selecting predefined keywords for the user specified theme (Fig. 10; Col. 8, lines 42-58; Col. 13, lines 65-Col. 14, lines 26;), means for identifying the one or more channels which relate to the user specified theme by detecting a match of the predefined keywords of the user specified theme, the identifying being based on programming constrained within a predetermined number of timeslots ahead of current time (Fig. 9C; Col. 13, lines 13-43; Col. 16, lines 25-50; Col. 20, lines 25-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ohkura with the teaching of Clarke so to provide to users an "intelligent" device that monitor the source fields and discard nay message that does not have a source identifier in the source field that matches one of the channel identifiers on the preference list in which user through a category list the user can select which of the channels are selected based on the categories transmitted on the respective channel, as suggested by Clarke (Col. 5, lines 35-45).

Ohkura in view of Clarke does not clearly disclose one or more logical channels of the favorite channel list related to user specified theme;

Kostreski shows one or more logical channel (Fig.5 and Col.28, lines 40-Col.29, lines 34). The secondary program maps 520a and 520b <u>both provide the same RF and PID values</u> for CBS, ABC, NBC and FOX; thus, Kostreski discloses an

arrangement that enables VIPs to share sources within the reserved section 522

(Col.29, lines 14-29 and Col.29, lines 35-Col.30, lines33). Furthermore, Kostreski

teaches each logical channel "SEL." uniquely identifies a corresponding physical

channel "VIP StarSight "for popular network such as CBS, ABC, NBC and FOX

regardless the user select "VIP StarSight" or "VIP BVS"; Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify Ohkura in view of Clarke by mapping favorite channel listed to corresponding

logical (virtual) channels, as taught by as taught by Kostreski, in order to present to

user an list of programs (EPG) in an organized, structured format adapted for ease

of use by the user as suggested by Kostreski (Col.3, lines 15-57); moreover enable

user to conveniently access the broadband services in an organized, structured

format offered by the selected information service providers.

Regarding claim 2, Ohkura further discloses an EPG content database storing

a plurality of events available on one or more channels for a period of time because

the EPG content is updated either "periodically", "cyclical" or "carrousel" mode by the

headend in which the favorite channel list depends on the newly updated EPG data

for identifying newly updated Channels (Col. 5, lines 15-20 and Col. 8, lines 4-26).

Regarding claim 3, Ohkura further discloses wherein the user specified theme

corresponds to a theme field of events in an EPG content database (Col. 9, lines 38-

Col. 10, lines 25).

Regarding claim 4, Ohkura further discloses an EPG data services for

managing the EPG content Database, the EPG data services providing functions for

loading EPG –type (category) data from one or more data services (Col. 5; lines 10-

20);

Regarding claim 5, Ohkura further discloses a favorites service providing one

or more user interfaces and a plurality of management functions for each one of the

favorite channel lists (Fig. 16-21; Col. 8, lines 38-Col. 11, lines 18).

Regarding claim 6, Ohkura in view of Clarke further discloses wherein the

management functions include at least one function selected from the group of

functions consisting of: adding a favorite event to one of the favorite channel lists,

removing a favorite event from one of the favorite channel lists and selecting a

favorite event from one of the favorite channel lists (Ohkura inherently met because

the system keeps monitoring and updating by adding/removing/selecting the top 5

broadcasting channels of each category that have been most received/selected by

users in the last 4 weeks; Col.8, lines 8-27 and more over Clarke further discloses

the management function able to add and delete a favorite event, see Clarke Fig.

9C and 9D).

Regarding claim 7, Kostreski further discloses a channel map service for determining a physical channel number and a corresponding physical device for each one of the logical channels (Fig.5).

Regarding claim 8, Ohkura discloses a computerized system for managing favorite channels based on a user specified theme, the computerized system comprising:

One or more favorite channel lists (Fig. 12), the favorite channel lists comprising one or more channels relating to the user specified theme (category), wherein the computerized system identifies the channels/programs showing an event of the user specified theme (category) and automatically adds each of channels/programs to the favorite channel list without user intervention (Col. 8, lines 49-Col. 9, lines 37);

Application user interface to allow a user to access the computerized system (see Fig. 13 with GUI).

Favorites services providing user interfaces and management functions for each one of the favorite channel lists (Col. 8, lines 4-26 and lines 57-62); and

EPG content services for determining what is programmed on the television channels (Col. 5, lines 10-38).

Ohkura further discloses CPU 29 for identifying channels which relate to the user specified theme, so to create a favorite program guide list as shown in Fig. 12 (Col. 7, lines 63-Col. 8, lines 21) in which a display screen configured to show the

identified channels that are being added to the favorite channel list without user

intervention.

Ohkura does not clearly disclose means for selecting predefined keywords for

the user specified theme.

Clarke discloses means for selecting predefined keywords for the user

specified theme (Fig. 10; Col. 8, lines 42-58; Col. 13, lines 65-Col. 14, lines 26;),

identifying channels which relate to the user specified theme, so to create a favorite

program guide list in which the identified channels that are being added to the

favorite channel list without user intervention (Fig. 9C; Col. 13, lines 13-43; Col. 16,

lines 25-50; Col. 20, lines 25-42). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Ohkura with the

teaching of Clarke so to provide to users an "intelligent" device that monitor the

source fields and discard nay message that does not have a source identifier in the

source field that matches one of the channel identifiers on the preference list in

which user through a category list the user can select which of the channels are

selected based on the categories transmitted on the respective channel, as

suggested by Clarke (Col. 5, lines 35-45).

Ohkura in view of Clarke does not clearly disclose channel map services for

mapping a logical channel number in the favorite channel list related to a physical

channel number on a physical device available to the computerized device.

Kostreski shows one or more logical channel (Fig.5 and Col.28, lines 40-

Col.29, lines 34). The secondary program maps 520a and 520b both provide the

same RF and PID values for CBS, ABC, NBC and FOX; therefore, Kostreski

discloses an arrangement that enables VIPs to share sources within the reserved

section 522 (Col.29, lines 14-29 and Col.29, lines 35-Col.30, lines33). Furthermore,

Kostreski teaches each logical channel "SEL." uniquely identifies a corresponding

physical channel "VIP StarSight " for popular network (physical device), such as

CBS, ABC, NBC and FOX regardless the user select "VIP StarSight" or "VIP BVS" ;

Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify Ohkura in view of Hendricks by mapping favorite

channel listed to corresponding logical (virtual) channels, as taught by Kostreski, in

order to present to user an list of programs (EPG) in an organized, structured format

adapted for ease of use by the user as suggested by Kostreski (Col.3, lines 15-57);

moreover enable user to conveniently access the broadband services in an

organized, structured format offered by the selected information service providers.

Regarding claim 9, see analysis of claim 7.

Regarding claim 10, see analysis of claim 6.

Regarding claim 11, Ohkura further discloses a favorites database for storing

one or more favorite channel lists (Col. 8, lines 4-26 and lines 57-62).

Regarding claim 12, Ohkura further discloses an EPG content database

storing a plurality of events available on one or more channels for a period of time

because the EPG content is updated either "periodically", "cyclical" or "carrousel"

mode by the headend in which the favorite channel list depends on the newly

updated EPG data for identifying newly updated Channels (Col. 5, lines 15-20 and

Col. 8, lines 4-26).

Regarding claim 19, in combination with claims 1 and 3, regarding "identifying

one or more channels showing an event of a user specified theme, wherein the step

of identifying is achieved by matching one or more event themes from an EPG

content database to the user specified theme," the Examiner cites (Ohkura Fig. 16

shows list of favorite channels corresponding to theme/category News; Fig. 17

shows list of favorite channels corresponding to theme/category MOVIE...Col. 10,

lines 15-27);

regarding "automatically adding each of the channel to a favorite channel list

wherein such adding does not require user intervention", the Examiner cites Ohkura

Col. 18, lines 48-Col. 9, lines 37 and Clarke Fig. 9C; Col. 12, lines 35-47; Col. 13,

lines 13-43; Col. 16, lines 25-50; and Col. 20, lines 25-42;

regarding "during the step of identifying are updated according to a

predetermined update frequency" is further met by Ohkura because EPG content is

updated either "periodically", "cyclical" or "carrousel" mode by the headend, as such

favorite channel list depends on the newly updated EPG data for identifying newly

updated Channels (Col. 5, lines 15-20 and Col. 8, lines 4-26).

Regarding claim 22, Ohkura further discloses an EPG content database

storing a plurality of events available on one or more channels for a period of time

because the EPG content is updated either "periodically", "cyclical" or "carrousel"

mode by the headend in which the favorite channel list depends on the newly

updated EPG data for identifying newly updated Channels. (Col. 5, lines 15-20 and

Col. 8, lines 4-26).

Regarding claim 23, Ohkura further discloses the step of identifying is

achieved by matching one or more words in an event description from the EPG

content Database to the user specific theme (Ohkura Fig. 16 shows list of favorite

channels corresponding to theme/category News; Fig. 17 shows list of favorite

channels corresponding to theme/category MOVIE...Col. 10, lines 15-27 in which

the system will match the desired user specific theme/category with one or more

words in an event description, i.e., C1..C5 from the EPG content Database of Fig.

12).

Regarding claim 24, as analyzed with respect to claim 8, Ohkura further

discloses a computer (motherboard, processor, RAM, etc...Fig. 3) comprising:

A processor (29);

A computer readable medium (38,37,36);

A plurality of computer instructions (Fig. 11; Computer flowchart represents computer instructions) executed from the computer readable medium by the processor for performing the step of identifying one or more channels showing an event of a user specified theme (Fig. 14) and automatically adding each one of the channels to a favorite channel list without user intervention (Col. 7, lines 65-Col. 8, lines 26).

Regarding claim 25, see analysis of Claim 24 and Ohkura further discloses the step of identifying is achieved by matching one or more words showing an event description from the EPG content Database to the user specific theme (Ohkura Fig. 16 shows list of favorite channels corresponding to theme/category News; Fig. 17 shows list of favorite channels corresponding to theme/category MOVIE...Col. 10, lines 15-27 in which the system will match the desired user specific theme/category with one or more words in an event description, i.e., C1..C5 from the EPG content Database of Fig. 12).

Regarding claim 28, Ohkura further discloses an EPG content database storing a plurality of events available on one or more channels for a period of time because the EPG content is updated either "periodically", "cyclical" or "carrousel" mode by the headend in which the favorite channel list depends on the newly

updated EPG data for identifying newly updated Channels. (Col. 5, lines 15-20 and

Col. 8, lines 4-26).

Regarding claim 29, Ohkura further discloses the step of identifying is

achieved by matching one or more words in an event description from the EPG

content Database to the user specific theme (Ohkura Fig. 16 shows list of favorite

channels corresponding to theme/category News; Fig. 17 shows list of favorite

channels corresponding to theme/category MOVIE...Col. 10, lines 15-27 in which

the system will match the desired user specific theme/category with one or more

words in an event description, i.e., C1..C5 from the EPG content Database of Fig.

12).

Regarding claim 34, "wherein the logical channels are updated at least one

per timeslot" is further met by Ohkura in view of Clarke and Kostreski because the

EPG content is updated either "periodically", "cyclical" or "carrousel" mode by the

headend in which at least one per time slot of the favorite channel list is updated

(Col. 5, lines 15-20 and Col. 8, lines 4-26).

Regarding claim 35, "wherein the timeslot is one-half hour in length" is further

met by Ohkura (see Fig. 12);

Regarding claim 36, "wherein the predetermined number of timeslots is at least several hours in duration" is further inherently met by Ohkura in view of Clarke and Kostreski;

Regarding claim 37, "wherein the means for identifying comprises a set of predefined keywords that may be selected for use in defining the user specified theme" read on the set of categories, i.e., News, Sport, Politics, etc.., in which the user is used in defining the user specified theme that the user would like the system to display (see Ohkura Fig. 16 in which the user select News for example and a list a favorite channel list under News category is played and Clarke Col. 8, lines 50-55).

Regarding claim 38, " means for updating the one or more favorite channel lists to include only those of the one or more logical channels that relate to the user specified theme selected from the programming constrained within the predetermined number of time slots ahead of the current time" reads on EPG content is updated either "periodically", "cyclical" or "carrousel" mode by the headend in which the favorite channel list depends on the newly updated EPG data for identifying newly updated Channels based on the updated time period of the system, i.e., every 4 hours, 8hours..., (Col. 5, lines 15-20 and Col. 8, lines 4-26).

Claim 39, "wherein the predefined keywords are direct broadcast satellite (DBS) content descriptors" is further met by Clarke (see Fig. 2 with various DBS).

Claim 40, "wherein the one or more logical channels are identified to relate to

the user specified them by the match of the predefined keywords independent of a

number of times the one or more logical channels have been viewed" is further met

by the combination of Ohkura in view of Clarke and Kostreski because Clarke

teaches channels are identified to relate to the user specified theme by the match of

the predefined keywords independent of a number of times the one or more

channels have been viewed (see Clarke Col. 12, lines 22-46).

2. Claims 20-21 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ohkura et al. (US 5737029) in view of Clarke, Jr. et al. (US 6021419) and

further in view of Kostreski et al. (US 5734589) and further in view of Schein (US

6002394).

Regarding claims 20 and 21, Ohkura in view of Clarke and Kostreski further

discloses wherein the user specified theme corresponds to a theme field of events in

an EPG content database (Ohkura Col. 9, lines 38-Col. 10, lines 25). Ohkura

discloses the step of identifying is achieved by matching theme from an EPG content

database to the user specified theme by selecting a "theme" from the EPG, the

system performs a matching and then presents the result to the user.

Ohkura in view of Clarke and Kostreski does not clearly discloses the EPG

content database include 'event sub-theme' or 'generic event sub-theme' as

claimed;

Schein 's 394 shows the structure of an EPG database with theme ID (see

Fig.4) that corresponds to 'Theme ID of a Theme Category Table' (Fig. 8).

Moreover the Theme Category Table (Fig. 8) has a relational field 'Theme Sub-

category handle Table' which has a relationship with the 'Theme ID #' field of the

Theme Subcategory table (Fig.9; Col. 10, lines 60-Col. 11, lines 11) according to the

well-known Relational Database's theory. Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Ohkura in

view of Clarke and Kostreski with Schein 's 394 to have an EPG content database

include 'event sub-theme' or 'generic event sub-theme', as taught by Schein 's 394,

so to provide to user an accurate way to present/query a program with a specific

theme/sub-theme entry (Schein 's 394; Col. 11, lines 15-45).

Regarding claims 26 and 27, Ohkura in view of Clarke and Kostreski further

discloses wherein the user specified theme corresponds to a theme field of events in

an EPG content database (Ohkura Col. 9, lines 38-Col. 10, lines 25). Ohkura

discloses the step of identifying is achieved by matching theme from an EPG content

database to the user specified theme by selecting a "theme" from the EPG, the

system performs a matching and then presents the result to the user.

Ohkura in view of Clarke and Kostreski does not clearly discloses the EPG

content database include 'event sub-theme' or 'generic event sub-theme' as

claimed;

Schein 's 394 shows the structure of an EPG database with theme ID (see

Fig.4) that corresponds to 'Theme ID of a Theme Category Table' (Fig. 8).

Moreover the Theme Category Table (Fig. 8) has a relational field 'Theme Sub-

category handle Table' which has a relationship with the 'Theme ID #' field of the

Theme Subcategory table (Fig.9; Col. 10, lines 60-Col. 11, lines 11) according to the

well-known Relational Database's theory. Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Ohkura in

view of Kostreski with Schein 's 394 to have an EPG content database include

'event sub-theme' or 'generic event sub-theme', as taught by Schein 's 394, so to

provide to user an accurate way to present/query a program with a specific

theme/sub-theme entry (Schein 's 394; Col. 11, lines 15-45).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hai Tran whose telephone number is (571) 272-7305.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
04/13/2007

HAI TRAN
PRIMARY EXAMINER